

CLAIM REJECTIONS UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Claim 60 stands rejected under 35 U.S.C. §112, first paragraph on the grounds set forth in paragraph two of the Official Action.

As noted in paragraph 1 of the Official Action "Applicant's submission filed on 4/4/01 has been entered." In said submission, claim 60 was canceled. Thus, the rejection of claim 60 appearing in paragraph 2 of the Official Action has been rendered moot. Acknowledgment of the cancellation of claim 60 and the response filed April 4, 2001 is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-16 and 52-83 stand rejected under 35 U.S.C. §103(a) as being obvious over *Diebold et al.* in view of *Ovahinsky et al.* on the grounds set forth in paragraph 4 of the Official Action. This rejection is respectfully traversed.

Each of claims 1, 52, 61 and 77 recite a device which includes "a single substrate." For the reasons set forth in detail in the response filed April 4, 2001, *Diebold et al.* fails to disclose a device having a single substrate as required by the above noted claims. In this regard, it is asserted in paragraph 4 of the Official Action that:

Applicant's argument has been considered but is not convincing. While *Diebold et al.* may teach a first insulating substrate and a second insulating substrate, the open "comprising" language of the instant claims do not preclude an additional substrate.

The above-quoted assertion reveals a clear misinterpretation of the requirements of the claim language. While use of the open term "comprising" can certainly allow for the

presence of a second substrate, it is clear that the limitation "a single substrate" distinguishes the structure of the presently claimed invention over *Diebold et al.* which admittedly has multiple substrates. Thus, reconsideration and withdraw of the rejection is respectfully requested.

Moreover, claim 69 recites a device comprising "a substrate, the substrate consisting of a single layer of flexible material." Thus, it is respectfully submitted that the above quoted claim language even more clearly precludes rejection of this rejection based upon the teachings of *Diebold et al.*, which is admitted as teaching both a first a second substrate. Thus, reconsideration and withdraw of the rejection is respectfully requested.

Claims 1, 52, 61, 69 and 77 also recite "a surface morphology-improving coating" which is fixed to a surface of the single substrate. As set forth, for example on lines 27-31 of page 13 of the present specification, according to the present invention, such a coating is provided which advantageously improves the surface flatness relative to the surface of the substrate.

In paragraph 4 of the Official Action it is asserted that the "thin anchor layer" taught by *Diebold et al.* is a "surface morphology-improving" coating by virtue of the fact that it increases the adhesion properties of the support material. It is further asserted that the step of roughening the surface of the support material also satisfies the above quoted limitation concerning the provision of a surface morphology-improving coating. These assertions are respectfully traversed. Once again, the interpretation of the limitations contained within the claims is neither reasonable nor supported by any logical rationale, explanation, or disclosure contained either in the present specification or in the prior art as a whole. To

the contrary, the interpretation of an adhesive layer, or a surface roughening step as a surface morphology-improving coating is completely contrary to the normal and acceptable meaning of the term, as well as the meaning attributed to the term by the disclosure of the present invention. Thus, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1, 52, 61, 69 and 77 each require a working electrode comprising an amorphous semiconductor material applied to a non conductive coating. By contrast, *Ovahinsky et al.*, which properly considered as a whole, clearly suggest application of a film to a conductive substrate surface.

It is assertive in paragraph 4 of the Official Action that "*Ovahinsky et al.* is not limited to only conductive materials in the substrate."

While it is not understood what is meant by "not limited", the issue is not whether *Ovahinsky et al.* positively excludes conductive substrate materials, rather the issue is what the reference, when considered as a whole, would have suggested to one of ordinary skill in the art.

In this regard, on lines 27-30 of column 10, *Ovahinsky et al.* clearly states that the substrate can be "metal" a "crystalline semiconductor" or "other material". Nothing in column 10 of *Ovahinsky et al.* teaches application of an amorphous silicone film to anything but a conductive surface. That is, a metal is a conductor as well as the crystalline semiconductor. The generic reference to "other material" is essentially no guidance whatsoever to one of ordinary skill in the art.

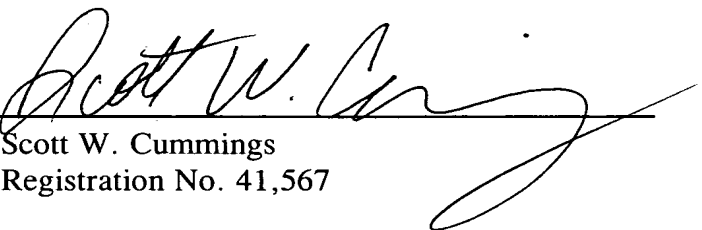
The grounds for rejection, as evidence by the comments contained in paragraph 4 of the Official Action, are clearly founded on an improper consideration of only isolated portions of the *Ovahinsky et al.* disclosure and not upon the teachings of the reference as a whole. When considered in its totality, *Ovahinsky et al.* clearly teaches a conductive substrate material, such as present in a solar cell, upon which an amorphous silicone film may be applied. However, there is absolutely nothing contained in any portion of the *Ovahinsky et al.* disclosure which specifically suggests application of such an amorphous silicon film to anything other than a conductive surface. Thus, reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

On the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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